

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sylvester Wolfe,)	C/A No. 4:13-2005-JFA-TER
)	
Plaintiff,)	
)	O R D E R
vs.)	
)	
William R. Byars, Jr.; Dr. Thomas Byrne, M.D.;)	
and Warden John M. Pate,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Sylvester Wolfe, is an inmate with the South Carolina Department of Corrections (SCDC). He brings this action pursuant to 42 U.S.C. § 1983 contending that the defendants were deliberately indifferent to his serious medical needs. The plaintiff suffered injuries after falling from an attempt to scale a fence at the Allendale Correctional Institution.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that defendants' motion for summary judgment² should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter,

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment.

and the court incorporates such without a recitation.

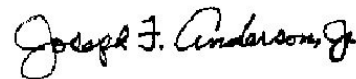
The plaintiff was advised of his right to file objections to the Report and Recommendation. However, the plaintiff did not file objections and the time within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

As the Magistrate Judge properly opines, the plaintiff's claims against the defendants for money damages in their official capacities are barred pursuant to Eleventh Amendment immunity. The Magistrate Judge further suggests that the plaintiff has failed to present sufficient evidence that defendants were deliberately indifferent to his serious injury.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and adopts and incorporates it herein by reference. Accordingly, the defendants' motion for summary judgment (ECF No. 49) is granted.

IT IS SO ORDERED.

November 10, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge